

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**ELSWORTH DINSMORE HUMES, JR.  
AND TAMARA NICOLE ANTHONY**

**V.**

**ROBERT BRUCE EDGE; JOHN N. JOHN,  
III, INC., JOHN N. JOHN, JR. INC., AND  
JOHN N. JOHN TRUCK LINE, INC.**

§  
§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 4:19-CV-00008**

**DEFENDANTS' NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, John N. John III, Inc., John N. John Jr., Inc., John N. John Truckline, Inc., and Robert Edge, the defendants in the above entitled and numbered cause, and file this their notice of removal, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.  
STATE COURT ACTION**

This case was initially filed in the 269th Judicial District Court of Harris County, Texas. The state court action is styled: Cause no. 2018-83881; Elsworth Dinsmore Humes, Jr., et al. v. Robert Bruce Edge, et al., in the 269th Judicial District Court of Harris County, Texas.

**II.  
PARTIES**

The plaintiffs, Elsworth Dinsmore Humes, Jr. and Tamara Nicole Anthony, are, upon information and belief, individual citizens and residents of the State of Texas.

The defendant, Robert Edge, is an individual citizen and resident of the State of Louisiana.

The defendant, John N. John III, Inc., is a corporation organized under the laws of the State of Louisiana and its principal place of business is in the State of Louisiana.

The defendant, John N. John Jr., Inc., is a corporation organized under the laws of the State of Louisiana and its principal place of business is in the State of Louisiana.

The defendant, John N. John Truckline, Inc., is a corporation organized under the laws of the State of Louisiana and its principal place of business is in the State of Louisiana.

### **III.**

#### **JURISDICTION**

This Court has jurisdiction over the subject matter of this cause, pursuant to 28 U.S.C. § 1332, because this is a civil action in which the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states. Accordingly, this cause is removable pursuant to 28 U.S.C. § 1441 and § 1446.

### **IV.**

#### **TIMELINESS**

No defendant was first served with properly process, if at all, prior to December 3, 2018. Accordingly, thirty days have not elapsed since any defendant was served with process. As such, pursuant to 28 U.S.C. § 1446, this notice of removal is timely and proper.

### **V.**

#### **ATTACHMENTS**

Pursuant to 28 U.S.C. § 1446(a), Local Rule 3, and Local Rule 81, the following exhibits are attached hereto and incorporated herein by reference for all purposes:

- a. Exhibit A: Civil action cover sheet;

- b. Exhibit B: Copies of all executed processes in the case, if any;
- c. Exhibit C: Copies of all pleadings asserting causes of action and all answers to such pleadings;
- d. Exhibit D: Copies of all orders signed by the state court judge, if any;
- e. Exhibit E: A copy of the state court docket sheet;
- f. Exhibit F: An index of matters being filed; and
- g. Exhibit G: A list of all counsel of record, including addresses, telephone numbers, and parties represented.

**VI.  
CONDITIONS PRECEDENT**

The defendants have tendered the filing fee required by the Clerk of the United States District Court for the Southern District of Texas, Houston Division, along with this notice of removal. A copy of this notice of removal is also being filed in the 269th Judicial District Court of Harris County, Texas, and all counsel of record are being provided with complete copies.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the defendants respectfully request that the above action, styled: Cause no. 2018-83881; Elsworth Dinsmore Humes, Jr., et al. v. Robert Bruce Edge, et al., in the 269th Judicial District Court of Harris County, Texas, be removed to this Court.

[SIGNATURE PAGE TO FOLLOW]

Respectfully submitted,

ORGAIN BELL & TUCKER, LLP  
P O Box 1751  
Beaumont, TX 77704-1751  
(409) 838-6412  
(409) 838-6959 facsimile

/s/ Greg C. Wilkins

Greg C. Wilkins  
Attorney-in-charge  
State Bar No. 00797669  
Southern Bar No. 33280  
gcw@obt.com  
Monica L. Wilkins  
State Bar No. 24043968  
Southern Bar No. 908456  
mwilkins@obt.com

ATTORNEYS FOR DEFENDANTS,  
JOHN N. JOHN III, INC., JOHN N.  
JOHN JR., INC. AND JOHN N.  
JOHN TRUCKLINE, INC. AND  
ROBERT EDGE

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 2nd day of January, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system and also forwarded it to all known counsel of record by Certified Mail, Return Receipt Requested.

/s/ Greg C. Wilkins

Greg C. Wilkins